IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE KURIAN JOSEPH

FRIDAY, THE 15TH JUNE 2007 / 25TH JYAISHTA 1929

WP(C).No. 662 of 2004(D)

PETITIONER:

P.C.JOSE,
P.N. HOUSE, POOCHAKKAL P.O.,
ALAPPUZHA, PIN-688526.

BY ADV. SRI.ASOK M.CHERIAN
SRI.SANTHOSH G. PRABHU
SRI.MAMMEN VARGHESE

RESPONDENTS:
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1. THE KERALA STATE CONSUMER DISPUTES REDRESSAL COMMISSION, THIRUVANANTHAPURAM.

2. THOMAS R.FERNANDEZ,
M/S. ROLTA INDIA LTD., SHARE DEPARTMENT,
ROLTA BHAVAN, 22ND STREET MIDC, MAROL,
ANDHERI EAST, MUMBAI-400093.

BY ADV. SRI.P.K.RAVISANKAR --- R2

THIS WRIT PETITION (CIVIL) HAVING BEEN FINALLY HEARD ON 15/06/2007, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

WP(C) NO: 662/2004 D

APPENDIX

PETITIONER'S EXHIBITS

EXT.P1. COPY OF THE COMPLAINT DT. 20/4/00 IN OP NO.167/00 FILED BY THE PETITIONER BEFORE THE DIST. CONSUMER DISPUTES REDRESSAL FORUM, ALAPPUZHA.

EXT.P2. COPY OF THE COVERING LETTER AND THE WRITTEN STATEMENT DT. 12/6/00 OF THE R2 IN OP NO. 167/00 TO THE DIST. CONSUMER DISPUTES REDRESSAL FORUM, ALAPPUZHA.

EXT.P3. COPY OF THE ORDER DT. 8/3/01 IN OP NO. 167/00 OF THE DIST. CONSUMER DISPUTES REDRESSAL FORUM, ALAPPUZHA.

EXT.P4. COPY OF THE APPEAL MEMORANDUM DT. 26/7/01 IN APPEAL NO. 674/01 FILED BEFORE THE R1 BY THE R2.

EXT.P5. COPY OF THE COUNTER STATEMENT DT. 3/09/01 OF THE PETITIONER IN APPEAL NO. 674/2001 FILED BEFORE THE R1.

EXT.P6. COPY OF THE ORDER DT. 22/09/03 OF THE R1 IN APPEAL NO. 674/2001.

True copy

tga

KURIAN JOSEPH, J.

W.P. (C). NO. 662 OF 2004

Dated this the 15th day of June, 2007.

J U D G M E N T

The grievance of the petitioner is with regard to Exhibit P6 order passed by the first respondent. Under Section 21 of the Consumer Protection Act, 1986, the remedy open to the petitioner is to pursue the matter before the National Commission. Therefore, without prejudice to such liberty, this writ petition is dismissed making it clear that in the event of such remedy being pursued before the National Commission within one month from today, the same shall be treated to have been filed in time.

KURIAN JOSEPH, JUDGE.

smp